

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Ansel O. Belue, Johnny Little, as the)	
Duly Appointed Personal Representative)	
of the Estate of Linda Gail Little,)	
Joel J. Hill, and James W. Lyle, Jr.,)	C/A No. 7:08-3830-GRA
as the Duly Appointed Personal)	
Representative of the Estate of)	
Peggy Jean Reynolds,)	
)	
Plaintiffs,)	
)	ORDER
v.)	(Written Opinion)
)	
)	
Aegon USA, Inc., Life Investors)	
Insurance Company of America, and)	
Transamerica Life Insurance Company,)	
)	
Defendants.)	
)	

This matter comes before the Court regarding the parties' joint motion requesting a sixty-day extension of this Court's March 18, 2009, Amended Scheduling Order to allow Defendants' newly appointed counsel, Brent O. E. Clinkscale, Jacquelyn D. Austin, and Michael S. Cashman, of Womble Carlyle Sandridge & Rice, to meet the discovery deadlines previously set by this Court. This Court previously revoked the *pro hac vice* status of Defendants' former counsel in an order currently on appeal before the United States Court of Appeals for the Fourth Circuit.

Section 1292 of Title 28 of the United States Code authorizes the circuit courts of appeal to take jurisdiction of appeals from interlocutory decisions of the district court. 28 U.S.C. § 1292(a). Section 1292, however, expressly states that "application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order." 28 U.S.C. § 1292(b). The district courts have recognized their discretion under Section 1292 to stay the entire proceeding during the pendency of any interlocutory appeal, if a stay would be more expedient for various reasons.

Out of a super abundance of caution, this Court is staying all action in this case pending a ruling by the Fourth Circuit on this Court's order revoking the *pro hac vice* status of former defense counsel Irma Reboso Solares, Julianna Thomas McCabe, and Markham R. Leventhal.

IT IS THEREFORE ORDERED THAT this case is stayed in its entirety pending the Fourth Circuit's disposition of this Court's order revoking the *pro hac vice* status of former defense counsel. However, the Court will reconsider the stay upon written authorization from Defendants' newly employed replacement counsel, Attorneys Clinkscale, Austin, and Cashman, stating they have no objections to proceeding with this matter in the interest of justice and fair play.

IT IS SO ORDERED.

[Signature block on next page.]



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

October 9, 2009
Anderson, South Carolina